Snyder et al v. Greenberg Traurig, LLP et al Doc. 26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

FILED
JUL 18 2007
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

CATHERINE SNYDER, et al.,)
)
Plaintiffs,)
V.)
) Civil Action No. 1:07-CV-469
GREENBERG TRAURIG, LLP, et al.,)
)
Defendants.)

RULE 16(B) SCHEDULING ORDER

1. Upon consideration of the representations made by the parties at the Rule 16(b) Conference, the Court makes the following rulings:

a. *Copies of all non-dispositive motions and all papers relating to such motions shall be delivered directly to the chambers of the undersigned magistrate judge when the originals are filed with the clerk.*

b. The Rule 26(f) report filed by the parties is approved (except for the provision for scheduling dispositive motions, which will be set by the district judge), and shall control discovery to the extent of its application unless modified by the court.

c. Each defendant who has not yet appeared shall make Rule 26(a)(1) disclosures within eleven days after responding to the Complaint, and all other parties who have then appeared shall make their disclosures to such defendant within that period.

d. Any motion to amend the pleadings or to join a party shall be made as soon as possible after counsel becomes aware of the grounds for the motion.

e. Because the discovery plan does not show that the parties have discussed disclosure or discovery of electronically stored information, as required by Fed. R. Civ. P. 26(f)(3), counsel are directed to report on that subject to the undersigned magistrate judge within eleven (11) days. A report in letter form is acceptable.

f. Because the discovery plan does not show that the parties have discussed any issues relating to claims of privilege or protection of trial preparation materials, as required by Fed. R. Civ. P. 26(f)(4), counsel are directed to report on that subject to the undersigned magistrate judge within eleven (11) days. A report in letter form is acceptable.

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g. Because the discovery plan does not show that the parties have discussed any issues relating to preserving discoverable information, as required by Fed. R. Civ. P. 26(f), counsel are directed to report on that subject to the undersigned magistrate judge within eleven (11) days. A report in letter form is acceptable.

2. *Sealing of Documents*: Filings under seal are disfavored and discouraged. See *Virginia Department of State Police v. The Washington Post, et. al.*, 386 F.3d 567, 575-76 (4^{th} Cir. 2004). Any motion to file documents under seal, including a motion for entry of a protective order containing provisions for filing documents under seal, must comply with Local Civil Rule 5 and must be docketed for a hearing or made in open court. The motion must state sufficient facts supporting the action sought, and each proposed order must include specific findings.

3. All motions, except for summary judgment, shall be noticed for hearing on the earliest possible Friday before the pretrial conference. Ten working days' notice is required for motions to dismiss, for summary judgment, for patent claim construction, and for judgment on the pleadings. Non-dispositive motions must be filed and delivered by the Friday before the Friday for which noticed, with responses due not later than the Wednesday before the hearing.

4. Without leave of Court, all Fed. R. Civ. P. 12 issues shall be raised in one pleading. Similarly, unless Court permission is obtained in advance, all summary judgment issues must be presented in the same pleading.

5. All motions must adhere to the page limits set in Local Rule 7(E) (3). No pleading shall be in type less than ten (10) pitch or twelve (12) point.

6. Depositions, interrogatories, requests for documents and admissions and answers thereto shall not be filed except on Order of the Court, or for use in any motion, or at trial.

7. In non-jury cases, counsel shall file with the clerk at the beginning of trial, written proposed findings of fact and conclusions of law. In jury cases, instructions shall be filed five (5) days prior to trial in accordance with Local Rule 51. Violation of this rule will constitute a waiver of objections to any instructions given.

/s/
Barry R. Poretz
United States Magistrate Judge

Barry R. Poretz
United States Magistrate Judge

Date: July 18, 2007
Alexandria, Virginia
Enclosure